

REMARKS

This is in response to the final Office Action dated March 4, 2009. To summarize, Claims 15 and 17-35 are cancelled herein, and replaced with Claims 36-49. Claims 36, 42 and 46 are independent, and generally correspond in subject matter with cancelled independent Claims 15, 33 and 19, respectively. The rejections issued in the outstanding Office Action relative to Claims 15, 19 and 33 will accordingly be addressed herein relative to the corresponding new claim as indicated above.

Claims 20-25 and 34 stand rejected under 35 USC §112, second paragraph, as indefinite. These claims are cancelled herein, thereby rendering the rejection thereagainst moot. Care has been taken in drafting new Claims 36-49 to avoid any issues raised by the Examiner in the above rejection, and these claims are believed to fully comply with 35 USC §112 as presented.

Claims 15 and 17-19 stand rejected under 35 USC §102 as anticipated by Bruggeman (U.S. Patent No. 5 029 779). As indicated above, this rejection will be addressed relative to newly added independent Claims 36 and 46, and the claims which depend therefrom, in view of the cancellation of Claims 15 and 17-19.

Bruggeman is directed to a welded netting arrangement with stretching wires which can stretch under tensile stress. Column 3, lines 13-27 of Bruggeman state that the invention is embodied in a method for making a "welded netting" by positioning mesh-forming wires and stretching wires both extending longitudinally relative to the sheet and/or mesh-forming wires extending transversely relative to the sheet relative to one another "and by connecting them through welding". Additionally, column 3, lines 36-42 of Bruggeman state that the method is carried out in a way that a first

basic netting with meshes is formed by starting from specific mesh-forming wires, "then applying the stretching wires in a separate welding operation". Further, column 3, lines 47-52 state that when carrying out the method, "use is generally made of spot welding electrodes", the surface of which is so large that a good welded connection can be made irrespective of the position of a stretching wire with respect to a transverse wire. (emphasis added above in quotes from Bruggeman)

Claim 36 is directed to a protective wire net comprising:

"an array of longitudinally-extending wires arranged in side-by-side relation with one another, adjacent pairs of said wires being intertwined with one another at intertwining regions defined by portions of the respective said wires which are twisted around one another; and

a longitudinally-extending metal cable having a portion around which one of said wires disposed adjacent said metal cable is twisted, said metal cable being interposed between two of said wires in said array." (emphasis added)

Bruggeman discloses a number of embodiments of his welded netting, but nowhere does Bruggeman teach or suggest that any of the mesh forming wires are twisted around one another. Additionally, Bruggeman does not teach a longitudinally-extending metal cable interposed between two of the mesh-forming wires, the metal cable having a portion around which one of the mesh-forming wires is twisted. Instead, as discussed above, Bruggeman clearly teaches spot welding the wires to interconnect same. With respect to the embodiment shown in Figure 7 of Bruggeman which the Examiner utilizes in the instant rejection, same is a diamond-mesh netting 10 defined by mesh-forming wires 12 and stretching wires 13 and 14 which extend transversely of the wires 12. Bruggeman makes no mention of twisting wires 12 around one another, and, based on the entire disclosure of Bruggeman, it is submitted that

Bruggeman teaches that the wires 12 are spot welded to one another. Claim 36 is therefore believed allowable as presented.

Claims 37-41 depend from what is believed to be an allowable Claim 36, are believed allowable therewith, and include additional features which further distinguish over Bruggeman.

Claim 46 is directed to a protective wire net comprising:

"an array of longitudinally-extending wires arranged in side-by-side relation with one another, adjacent pairs of said wires being intertwined with one another at intertwining regions defined by portions of the respective said wires which are twisted around one another; and

a metal cable or wire extending in a direction transverse to said array of longitudinally-extending wires and being disposed longitudinally between two longitudinally-adjacent intertwining regions of each adjacent pair of said wires, said metal cable or wire being intertwined with said wires as said metal cable or wire extends transversely across said array"

(emphasis added).

In rejecting Claim 19, the Examiner utilizes the embodiments of Figures 8 and 10 disclosed in Bruggeman. However, as discussed above relative to Claim 36, none of the embodiments in Bruggeman include wires which are twisted around one another to interconnect same. In the embodiment of Figure 8 of Bruggeman, wires 23 are not twisted around one another, and instead are fixed in position by spot-welding to wires 22. Similarly, in Figure 10, wires 42 and 45 are not twisted around one another, and instead are fixed in position by spot-welding to wires 41.

Further, there is no metal cable or wire in the embodiments of Figures 8 and 10 of Bruggeman disposed longitudinally between two longitudinally-adjacent intertwining regions of each adjacent pair of wires 23 (Figure

8) or wires 42 and 45 (Figure 10), as there are no intertwining regions of wires as defined in Claim 46 in Bruggeman. Again, the wires are spot-welded to one another to form the welded netting, and not twisted. Claim 46 is therefore believed allowable over Bruggeman.

Claims 47-49 depend from what is believed to be an allowable Claim 46, are believed allowable therewith, and include additional features which further distinguish over Bruggeman.

Claim 33 stands rejected under 35 USC §102 as anticipated by Zaccheroni (U.S. Patent No. 4 394 924). This rejection will be addressed relative to Claims 42-45, as mentioned above. Zaccheroni is directed to a process for making a gabion provided with an inner partition. The gabion 1 disclosed in Zaccheroni has a base panel 2, and a pair of articulated panels 3 are connected to opposite longitudinal edges of base panel 2 and form the lateral walls of the gabion 1. A diaphragm 4 subdivides the interior of the gabion 1 into two equal cells and is articulated to a part of base panel 2 which is intended to define the bottom of the gabion 1. The diaphragm 4 is prefabricated so as to have reinforcing wires along its edges 5, 6 and 7, which edges are intended for connection to the opposite longitudinal walls and the lid formed by folding of the base panel 2 during erection of the gabion 1. The lower edge of the diaphragm 4 is joined to the base panel 2 and has a marginal row 13 of hexagonal meshes, as shown in Figures 3-5. Wires 17 and 18 are twisted together to form diaphragm 4, and ends 15 and 16 of these wires are bent inwardly as shown in Figure 5 to form a double-hook structure along row 13. In Figures 3 and 4, one can see the reinforcing wire 5 which defines the upright side edge of diaphragm 4, although wire 5 is not numbered in Figure 4.

Claim 42 is directed to a protective wire net comprising:

"an array of longitudinally-extending wires arranged in side-by-side relation with one another, adjacent pairs of said wires being intertwined with one another at intertwining regions defined by portions of the respective said wires which are twisted around one another; and

a longitudinally-extending metal cable interposed between two of said wires in said array disposed adjacent one another, said metal cable having a first portion around which a first of said two wires is twisted and a second portion around which a second of said two wires is twisted" (emphasis added).

The Examiner appears to equate the reinforcing wire 5 in Figure 3 of Zaccheroni with the "metal cable" recited in previously pending Claim 33. However, this wire 5 is an edge-defining wire and does not have any portions around which first and second wires are twisted, as required in Claim 42. Instead, this wire 5 is only engaged with a single wire, i.e. wire 17, wherein bent portion 15 forms the end of this wire 17. Accordingly, Claim 42 is believed allowable over Zaccheroni.

Claims 43-45 depend from what is believed to be an allowable Claim 42, are believed allowable therewith, and include additional features which further distinguish over Zaccheroni.

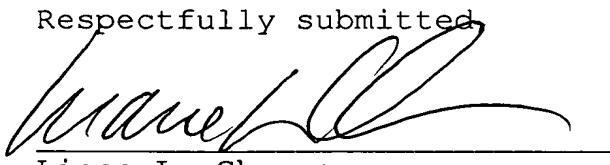
Claims 36-41 and 46-49 are also believed to distinguish over Zaccheroni. Specifically, Claim 36 recites "a longitudinally-extending metal cable having a portion around which one of said wires disposed adjacent said metal cable is twisted, said metal cable being interposed between two of said wires in said array". In contrast, the wire 5 in Zaccheroni defines an edge of the diaphragm 4, and thus is not interposed between wires 17 and 18. Claim 46 recites "a metal cable or wire extending in a direction transverse to said array of longitudinally-extending wires and being disposed longitudinally between two longitudinally-adjacent

intertwining regions of each adjacent pair of said wires, said metal cable or wire being intertwined with said wires as said metal cable or wire extends transversely across said array".
Zaccheroni discloses no such transversely-extending metal cable.

Claim 26 stands rejected under 35 USC §103 as obvious over Bruggeman '779 and Thommen (U.S. Patent No. 5 524 875);
Claim 20 stands rejected under 35 USC §103 as obvious over Bruggeman '779 and Wilson (U.S. Patent No. 2 948 049); Claims 27, 28 and 35 stand rejected under 35 USC §103 as obvious over Bruggeman '779 and Wentzek (U.S. Patent No. 3 954 125); Claims 29 and 30-32 stand rejected under 35 USC §103 as obvious over Bruggeman '779, Wentzek '125 and Thommen '875; Claims 21, 22 and 34 stand rejected under 35 USC §103 as obvious over Bruggeman '779, Wilson '049 and Wentzek '125; and Claims 23-25 stand rejected under 35 USC §103 as obvious over Bruggeman '779, Wilson '049, Wentzek '125 and Thommen '875. The above claims are cancelled herein, thereby rendering the rejections thereagainst moot.

In view of the above, the instant application is believed to be in condition for allowance, and action toward that end is respectfully requested.

Respectfully submitted



Liane L. Churney

LLC/ad

FLYNN, THIEL, BOUTELL
& TANIS, P.C.
2026 Rambling Road
Kalamazoo, MI 49008-1631
Phone: (269) 381-1156
Fax: (269) 381-5465

David G. Boutell	Reg. No. 25 072
Terryence F. Chapman	Reg. No. 32 549
Mark L. Maki	Reg. No. 36 589
Liane L. Churney	Reg. No. 40 694
Brian R. Tumm	Reg. No. 36 328
Heon Jekal	Reg. No. 64 219
Eugene J. Rath III	Reg. No. 42 094
Dale H. Thiel	Reg. No. 24 323
Sidney B. Williams, Jr.	Reg. No. 24 949

Encl: None